Rama Varmha Tampuran *(Secretary to Government):* Government have no objection or we can cut down the interval.

Mr. M. Krishna Menon *(Trichur-North):* I beg to move "Omit the words subject to the direction of the Diwan" in the amendment proposed by the Chief Secretary. My point is this. The insertion of the words "Subject to the direction of the Diwan" takes away the legislative liberty. So it is that I table this amendment.

Mr. M. Sivarama Menon *(Advocate-General):* Why not make it "President" instead of the "Diwan".

Mr. M. Krishna Menon *(Trichur-North):* Oh Yes, I have no objection.

Rama Varmha Tampuran *(Secretary to Government):* In the Assembly also it is subject to the direction of the President. Of course in the Council of State it is subject to the direction of the Governor-General.

Mr. A. V. Moothedan *(Chalakkudi)* My suggestion is many of the Hon'ble Members have their own vocations in life and we find it very difficult to attend between 11 to 5. So it may be changed to 4 p.m. to 8 p.m. In that case Government Officers can do their work and in the evening they can come here and attend. As far as non-officials are concerned, they can attend to their business and afterwards they can attend the Council. If a change is introduced why not accept this change?

Mr. K. Narayana Menon *(Mulakunnathukavu):* Since this amendment is accepted, I would respectfully submit, Sir that we will be losing about half an hour by the proposed amendment which is to come into force at once. For 11 days we will be losing 5½ hours. I would submit to the House that the interval may be cut short by half an hour without disturbing our work.

Deputy President: That can be done by the President. No amendment is necessary.

Mr. K. Narayana Menon *(Mulakannathukavu):* It may be so in the rules and we have understood it like that also.

Rama Varmha Tampuran *(Secretary to Government):* If the Hon'ble Members want only one hour's interval, we have no objection.

Mr. V. J. Mathai *(Planters):* I do not think there is any virtue in a Diwan presiding over the House. After question time, the Diwan sits for an hour. That is actually the case under the existing state of affairs. There are very many occasions when the non-official members wish the Diwan to hear many questions. The implication is clear and therefore I would say that the time during which the Diwan presides need not be cut down. He may preside for the same 2 hours during which he used to preside. The House may disperse at 1-30 and reassemble at 2-30.

Rama Varmha Tampuran *(Secretary to Government):* It can be 1-30. There can be no objection.

Motion put and carried

Rama Varmha Tampuran *(Secretary to Government):* I request that the Prssident may be pleased to suspend Standing Order No. 32 and I may be allowed to move that the amendment may be taken into consideration.

Deputy President: Suspended.

Rama Varmha Tampuran *(Secretary to Government):* I request that the amendment may be taken into consideration.

Mr. V. J. Mathai *(Planters):* May I know exactly when this will be introduced. The Hon'ble President will put the time as 1-30. Is that the understanding?

Rama Varmha Tampuran *(Secretary to Government):* Government had absolutely no particular intentions. As the House wishes, the business can be conducted.

Mr. V. J. Mathai *(Planters):* Will the Government take it that the House wishes it like that?

Rama Varmha Tampuran *(Secretary to Government):* Yes.

Motion put and carried

Rama Varmha Tampuran *(Secretary to Government):* I request that the amendment may be taken and finally passed to-morrow.

Motion put and carried

*The Cochin Code of Civil Procedure (Amendment) Bill

Mr. M. Sivarama Menon *(Advocate-General):* Sir, I beg to move that the Cochin Code of Civil Procedure (Amendment) Bill be read in Council. The purpose of this amendment is very simple. One is to exempt from attachment allowances forming part of the emolu-

*Vide Appendix III.

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ments of a public officer or any servant of local authority. Government is taking powers to exempt by notification in the Gazette allowances of that kind from attachments. Secondly, subsistence grants, or allowances that are granted while an officer is under suspension are rendered not attachable because the purpose of the allowance is to see that they get something for their maintenance. These have been specifically provided for. There is a corresponding provision in the British Indian Civil Procedure Code. The question came up for consideration when attachments were sought to be made of Dearness allowances recently granted.

Mr. A. V. Moothedan *(Chalakkudi)*: I think the amendment is too wide. According to the amendment an officer whose salary is Rs. 200 or Rs. 300 and who is getting some allowances cannot be attached. That is not intended by the legislature. Any allowance forms part of the emoluments of a public officer. An officer may be drawing Rs. 1,000 as T A. That cannot be attached if this is accepted. I can understand the emoluments of a small petty officer cannot be attached. Now Government is trying to grant protection where the salary is Rs. 200, Rs. 500 or thousand. I think that is not necessary. Dearness allowance should be protected. Why this larger power ?

Mr. M. Sivarama Menon *(Advocate-General)*: The Hon'ble Member for Chalakkudi is under a misapprehension. Now there is distinction between the salary of an officer and his allowance. By this amendment we have only closely followed the British Indian Civil Procedure Code.

Mr. A. V. Moothedan *(Chalakkudi)*: May I know when was that amendment passed ?

Mr. M. Sivarama Menon *(Advocate-General)*: 1937.

Mr. A. V. Moothedan *(Chalakkudi)*: Why is the amendment brought only now here ?

Mr. M. Sivarama Menon *(Advocate-General)*: Now you are shifting the ground.

Mr. A. V. Moothedan *(Chalakkudi)*: This will give exemption to high salaried officials even to the extent of their salary.

Mr. M. Sivarama Menon *(Advocate-General)*: Even in British India this amendment was made only in 1937. This question came up when the famine allowance of somebody employed in the Press was sought to be attached. Salary as distinguished from allowance has got a different meaning. There is already another provision that pay up to Rs. 20 should not be attached.

Mr. V. J. Mathai *(Planters)*: Are Duty allowance, Personal allowance etc., attachable ?

Mr. M. Sivarama Menon *(Advocate General)*: They form part of the salary. They are attachable.

Mr. V. J. Mathai *(Planters)*: I wish to draw the attention of the Hon'ble Advocate-General to that fact.

Mr. M. Sivarama Menon *(Advocate General)*: Suppose there is a personal allowance which is tacked on to salary. That is not like an allowance given on account of exigencies of famine or for any other reason. That will not come under this term. Power is given to determine which kind of allowances should be exempted by notification. Only such allowances as are granted under particular circumstances ordinarily come under this head.

Mr. V. J. Mathai *(Planters)*: Are we to take it that Government now intend to cover only dearness allowance at present ?

Mr. M. Sivarama Menon *(Advocate-General)*: Government intend to exempt dearness allowances from attachments immediately.

Motion put and carried

Secretary to the Council: The title of the Bill is "The Cochin Code of Civil Procedure Amendment Bill".

Mr. M. Sivarama Menon *(Advocate-General)*: I request that the President may be pleased to suspend Standing Order No. 32.

Deputy President: Suspended.

Mr. M. Sivarama Menon *(Advocate-General)*: I beg to move that the Bill to amend the Cochin Code of Civil Procedure be taken into consideration.

Mr. C. J. Mathew *(Joint Secretary to Government)*: I second it.

Motion put and carried

Section 2 put and carried

Section 1 put and carried

Title and preamble put and carried

Mr. M. Sivarama Menon *(Advocate-General)*: I beg to move that the Bill may be taken up and passed to-morrow.

Motion put and carried

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13. War measures advances

6. (*b*) Advances in connection with recruitment of lorry drivers.
7. (*c*) Advances to petrol pump dealers.
   1. Ernakulam and Mattancheri. 2. Trichur.
8. (*d*) Ceylon Labour Recruitment advance.
9. (*e*) Advances for working A. R. P. Canteens.

15. Police Department

10. (*a*) Advance for messing of Police recruits.
11. (*b*) Advance for Nayar Brigade Mess.

46. **Remittances.**—The name of the detailed head "British pension remittances" was changed into "Pension and other remittances on behalf of the British Government."

A new detailed head "7. Shanmukham Power House, Trichur" was opened under "Technical Training Scheme Remittances."

The following heads were also opened.

(*a*) *i.* Composite license fee remittances.

(*a*) *ii.* Compensation sanctioned by the Government of India to injured labourers and next of kin of deceased labourers of Cochin State Labour Units.

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APPENDIX III

THE COCHIN CODE OF CIVIL PROCEDURE (AMENDMENT) BILL

Preamble.—Whereas it is expedient further to amend the Cochin Code of Civil Procedure It is hereby enacted as follows,—

Short title and commencement.—1. This Act may be called the Cochin Code of Civil Procedure (Amendment) Act, of and shall come into force at once.

Amendment of section 52.—2. In sub-section (1) of section 52 of the Cochin Code of Civil Procedure, Act XXIX of 1111.

(*a*) After clause (*j*) the following shall be added as clause (*jj*), namely.—

"Any allowance forming part of the emoluments of any public officer or of any servant of a local authority which Government may by Notification in the Cochin Government Gazette exempt from attachment, and any subsistence grant or allowance made to any such officer or servant while under suspension;" and

(*b*) in the Explanation for the word, letters and brackets "(*j*) and (*k*)" the word, letters and brackets "(*j*), (*jj*) and (*k*)" shall be substituted.

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